

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR FOUNTAIN COUNTY)

Case No.23 S00-1107 -MS-402

ORDER APPROVING AMENDED LOCAL RULES

The judge of the Fountain Circuit Court requests the approval of amended local rules for appointment of special judges in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Fountain Circuit Court, this Court finds that the proposed rule amendments, LR23-CR13-FLCR-13 and LR23-TR79-FLCR-17, comply with the requirements of Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Fountain County Local Rules, LR23-CR13-FLCR-13 and LR23-TR79-FLCR-17, set forth as an attachment to this Order, are approved effective July 1, 2011, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Susan Orr Henderson, Fountain Circuit Court, 301 Fourth Street, P.O. Box 97, Covington, IN 47932-1237; to the Clerk of the Fountain Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Fountain Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Court, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1st day of July, 2011.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

LR23-CR13-FLCR-08

**FOUNTAIN CIRCUIT COURT
LOCAL RULE C. R. 13
REASSIGNMENT TO SPECIAL JUDGE**

The following individuals have agreed to serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Fountain Circuit Court:

Hon. David A. Ault, or Judge of Montgomery Superior Court # 1
Hon. Peggy Lohorn, or Judge of Montgomery Superior Court # 2
Hon. John Rader, or Judge of the Warren Circuit Court
Hon. Harry A. Siamas, or Judge of Montgomery Circuit Court
Hon. Sam A. Swaim, or Judge of Parke Circuit Court
Hon. Bruce V. Stengel, or Judge of Vermillion Circuit Court

In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above noted Judges.

In the event no judge is available for assignment or reassignment of a felony or misdemeanor case,

such case shall then be certified to the Indiana Supreme Court for the appointment of a special judge.

In the event the judge presiding in a felony or misdemeanor case concludes the unique circumstance presented in such proceeding requires appointment by the Indiana Supreme Court of a special judge, this presiding judge may request the Indiana Supreme Court for such appointment.

(As amended effective July 1, 2011)

LR23-TR79-FLCR-17

**FOUNTAIN CIRCUIT COURT
LOCAL RULE TR79
ASSIGNMENT TO SPECIAL JUDGES**

Pursuant to TR 79, the Fountain Circuit Court makes the following rules regarding the reassignment to Special Judges
in all matters other than criminal cases:

- (a) The following panel shall serve as Special Judge where appointed pursuant to TR 79(H),
to be selected alphabetically by last name of Judge, in rotating order as follows:

Hon. David A. Ault, or Judge of Montgomery Superior Court # 1

Hon. Peggy Lohorn, or Judge of Montgomery Superior Court # 2

Hon. John Rader, or Judge of the Warren Circuit Court

Hon. Harry A. Siamas, or Judge of Montgomery Circuit Court

Hon. Sam A. Swaim, or Judge of Parke Circuit Court

Hon. Bruce V. Stengel, or Judge of Vermillion Circuit Court

In the event the Judge selected above is disqualified, ineligible or excused from service, the next Judge in order shall be appointed.

In the event no Judge is eligible to serve as Special Judge, then such case shall be certified to the Supreme Court for the appointment of a Special Judge.

- (b) In the event the presiding Judge herein shall disqualify or recuse pursuant to Ind.Trial Rule 79(C) in any proceeding,
other than a criminal case, the cause shall be assigned in accordance with the procedure outlined in Ind. Trial Rule 79(D), (E), and (H).

The Judges named in this rule have all been consulted and agree to the procedures set forth in this rule.

(Effective July 1, 2011)